

United States District Court
Eastern District of Michigan

United States of America

v.

Ezell Johnson /
 Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-30154

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

T (1) I find that:

- “ there is probable cause to believe that the defendant has committed an offense
- “ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- T** under 18 U.S.C. § 924(c).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

“ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

T I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- T** (a) nature of the offense - Drug distribution and weapons possession.
- T** (b) weight of the evidence - Very strong.,
- T** (c) history and characteristics of the defendant - Two felony convictions, one for assault with a deadly weapon.
 - T** 1) physical and mental condition - Admits mental illness.
 - T** 2) employment, financial, family ties - Poor work history, no substantial assets, but does have family ties to this district.
 - T** 3) criminal history and record of appearance - No failures to appear, but did violate probation terms.
- “ (d) probation, parole or bond at time of the alleged offense -
- T** (e) danger to another person or community - Government proffers that defendant threatened the arresting officers; assault with intent to murder charge dismissed due to failure of witness to appear.

A state ordered search of defendant's residence yielded firearms and drug paraphernalia. Pretrial Services recommends detention due to danger to community. I agree. I find that defendant has failed to rebut the presumption in favor of detention. Independent of the presumption I consider him to be a danger due to both drugs and firearms possession.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge

Date: March 20, 2007